

FITCH EVEN TABIN & FLANNERY
INTELLECTUAL PROPERTY LAW | EST. IN 1859

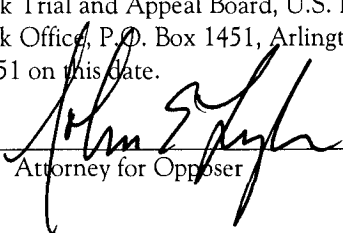
November 23, 2011

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Arlington, VA 22313-1451 on this date.

11/23/11
DATE


Attorney for Opposer

Re: Transmittal of Notice of Opposition for:
POZEN Inc. v. Paul Shim
Mark: POWERZEN
Application No.: 85/249,961
Filed: February 23, 2011
Our File No.: 7569-101070

Honorable Sir:

Please file the enclosed Notice of Opposition. The Commissioner is hereby authorized to charge the \$300.00 to Deposit Account No. 06-1135. The Commissioner is hereby authorized to charge any fees which may be required in this proceeding during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully Submitted,

By: 

John E. Lyhus
Selena M. Spritz
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406

JEL:SMS:mbs
Encls.



7569-101070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

POZEN Inc.,)
)
Opposer,)
)
v.)
)
Paul Shim,)
)
Applicant.)
)
Application No.: 85/249961)
Filed: February 23, 2011)
Mark: POWERZEN)
Published: July 26, 2011)

NOTICE OF OPPOSITION

POZEN Inc., a corporation organized under the laws of the State of North Carolina, located and doing business at 1414 Raleigh Rd, Chapel Hill, North Carolina 27517 (hereinafter referred to as "POZEN") believes that it is and will be damaged if the trademark POWERZEN, Application No. 85/249961, filed by Paul Shim (hereinafter referred to as the "Applicant") is registered, and POZEN hereby opposes upon the following grounds:

11/30/2011 00000007 00120 00249701

01 FC16402

300.00 US


LIKELIHOOD OF CONFUSION

1. POZEN is a leading company in the field of pharmaceutical preparations and the research and development of pharmaceutical preparations and medicines.
2. POZEN has continuously used the inherently distinctive mark POZEN in connection with its business as both its mark and trade name in U.S. commerce beginning at least as early as 1997.
3. Based on its lengthy and extensive use throughout the United States, POZEN owns incontestable Registration No. 2361512 for the standard character mark POZEN, filed




11-28-2011

October 13, 1998 and issued June 27, 2000 and presently specifying “research and development of pharmaceutical preparations and substances for others” based on use beginning at least as early as the February 14, 1997. A current printout of information from the USPTO electronic database records showing the current status and title of Registration No. 2361512 appears in Exhibit A.

4. POZEN owns Registration No. 3945953 for the  **POZEN** mark filed November 13, 2009 and issued April 12, 2011 and presently specifying “research and development of new products; research and development of pharmaceutical preparations and medicines” based on use of the design with the POZEN word mark beginning at least as early as the November 2009. A current printout of information from the USPTO electronic database records showing the current status and title of Registration No. 3945953 appears in Exhibit B.
5. POZEN owns Application No. 77872440 for the standard character mark POZEN specifying “Pharmaceutical preparations and substances for the prevention and treatment of pain, inflammation, migraine and infectious diseases; Pharmaceutical preparations and substances for the prevention and treatment of oncological, musculoskeletal, cardiovascular, gastrointestinal, neurological, respiratory and immunologic system related diseases and disorders,” having priority and other rights in the specified goods beginning at least as early as the November 13, 2009 filing date of the application; and “Research and development of new products; Research and development of pharmaceutical preparations and medicines” based on use beginning at least as early as February 14, 1997. A current printout of information from the USPTO

electronic database records showing the current status and title of Application No. 77872462 appears in Exhibit C.

6. POZEN owns Application No. 77872462 for the  POZEN mark specifying “Pharmaceutical preparations and substances for the prevention and treatment of pain, inflammation, migraine and infectious diseases; Pharmaceutical preparations and substances for the prevention and treatment of oncological, musculoskeletal, cardiovascular, gastrointestinal, neurological, respiratory and immunologic system related diseases and disorders,” having priority and other rights beginning at least as early as the November 13, 2009 filing date of the application. A current printout of information from the USPTO electronic database records showing the current status and title of Application No. 77872462 appears in Exhibit D.
7. POZEN’s rights by registration and common law rights described above are summarized hereafter as the “POZEN mark and trade name.”
8. In Application No. 85/249961 filed February 23, 2011, the Applicant seeks registration of the mark POWERZEN for “Herbal male enhancement nutritional supplements for better sexual performance” based on alleged use of the mark as of December 1, 2010.
9. On information and belief, the Applicant filed a November 21, 2011 paper with the Trademark Trial and Appeal Board in Opposition No. 91201166 in which the Applicant alleges use of the POWERZEN mark before December 1, 2010, and the Applicant’s new allegation of first use is no earlier than May 2010.
10. On information and belief, the Applicant cannot establish priority in its POWERZEN mark earlier than either the May 2010 alleged use date in the November 21, 2011 paper or the December 1, 2010 alleged use date asserted in Application No. 85/249961.

11. On information and belief, POZEN's priority in its POZEN mark and trade name is earlier than any priority that the Applicant can establish in its POWERZEN mark.
12. By reason of the high quality of POZEN's goods and services, along with the extensive use, marketing, publicity, advertising, promotion and resulting public recognition associated with the POZEN mark and trade name, the POZEN mark and trade name have acquired and built substantial secondary meaning and distinctiveness which represents extremely valuable goodwill to POZEN.
13. The Applicant's adoption and alleged use of the POWERZEN mark has been without the consent or permission of POZEN.
14. On information and belief, the Applicant's adoption of its POWERZEN mark has been with actual or constructive knowledge of POZEN's prior use of and rights in the POZEN mark and trade name.
15. On information and belief, the goods specified in the POWERZEN mark application are substantially identical, similar and closely related to the goods and services POZEN provides and has specified in trademark filings in connection with the POZEN mark and trade name.
16. On information and belief, the goods specified in the POWERZEN mark application are marketed and sold to the same or related customers in the same or related channels of trade as the goods and services POZEN provides and has specified in trade mark filings in connection with the POZEN mark and trade name.
17. The POWERZEN mark for which the Applicant seeks registration is substantially identical with, indistinguishable from, and confusingly similar to the POZEN mark and trade name.

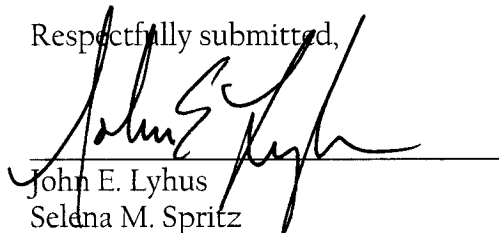
18. If the Applicant is granted registration of its POWERZEN mark as shown in Application No. 85/249961, the Applicant will thereby obtain the *prima facie* exclusive right to use the POWERZEN mark, and such registration of the POWERZEN mark will impair, diminish, and dilute POZEN's goodwill and rights in its POZEN mark and trade name causing irreparable injury to POZEN.
19. The Applicant's POWERZEN mark is confusingly similar to the POZEN mark and trade name, and use of the POWERZEN mark for goods specified in Application No. 85/249961 will cause the likelihood of confusion, mistake, or deception that the Applicant's goods are those of POZEN or are otherwise endorsed, sponsored, or approved by POZEN.

REQUEST FOR RELIEF

Based on the damage that is and would be caused to POZEN by the registration of the Applicant's POWERZEN mark, POZEN respectfully requests that Application No. 85/249961 for the POWERZEN mark be rejected and refused.

November 23, 2011

Respectfully submitted,



John E. Lyhus
Selma M. Spritz
Fitch, Even, Tabin & Flannery
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000
Facsimile: 312.577.7007

Attorneys for Opposer

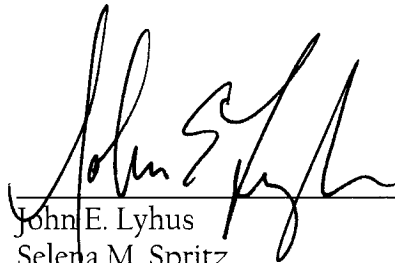
CERTIFICATE OF SERVICE

I, John E. Lyhus, Attorney for Opposer, POZEN Inc., hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, upon:

Hyong C. Kim, Esq.
3530 Wilshire Blvd, Suite 1280
Los Angeles, CA 90010-2321

on this 23rd day of November, 2011.

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, appearing to read "John E. Lyhus", is written over a horizontal line.

John E. Lyhus
Selenia M. Spritz
Fitch, Even, Tabin & Flannery
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000
Facsimile: 312.577.7007

Attorneys for Opposer

Exhibit A

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,361,512

United States Patent and Trademark Office

Registered June 27, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

POZEN

POZEN, INC. (NORTH CAROLINA CORPORATION)
6330 QUADRANGLE DRIVE
SUITE 240
CHAPEL HILL, NC 27514

STANCES FOR OTHERS, IN CLASS 42 (U.S. CLS.
100 AND 101).

FIRST USE 2-14-1997; IN COMMERCE 6-0-1997.

SER. NO. 75-568,279, FILED 10-13-1998.

FOR: RESEARCH AND DEVELOPMENT OF
PHARMACEUTICAL PREPARATIONS AND SUB-

NANCY CLARKE, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-11-22 16:10:07 ET

Serial Number: 75568279 Assignment Information Trademark Document Retrieval

Registration Number: 2361512

Mark (words only): POZEN

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2009-10-13

Filing Date: 1998-10-13

Transformed into a National Application: No

Registration Date: 2000-06-27

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2009-10-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. POZEN, INC.

Address:

POZEN, INC.
1414 RALEIGH RD.
CHAPEL HILL, NC 27517
United States

Legal Entity Type: Corporation

State or Country of Incorporation: North Carolina

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Research and development of pharmaceutical preparations and substances for others

Basis: 1(a)
First Use Date: 1997-02-14
First Use in Commerce Date: 1997-06-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-13 - First renewal 10 year

2009-10-13 - Section 8 (10-year) accepted/ Section 9 granted

2009-10-10 - Case Assigned To Post Registration Paralegal

2009-10-06 - TEAS Section 8 & 9 Received

2006-09-06 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-06-23 - Section 8 (6-year) and Section 15 Filed

2006-06-23 - TEAS Section 8 & 15 Received

2006-03-21 - Case File In TICS

2000-06-27 - Registered - Principal Register

2000-04-04 - Published for opposition

2000-03-03 - Notice of publication

2000-01-07 - Approved for Pub - Principal Register (Initial exam)

2000-01-06 - Assigned To Examiner

1999-11-24 - Communication received from applicant

1999-06-01 - Non-final action mailed

1999-05-21 - Assigned To Examiner

1999-05-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

John E. Lyhus

Correspondent

John E. Lyhus

Fitch Even Tabin & Flannery

Suite 1600

120 South LaSalle Street

Chicago IL 60603

Phone Number: 312-577-7000

Fax Number: 312-577-7007



United States Patent and Trademark Office



[Home](#) [Site Index](#) [Search](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 75568279

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2
Web interface last modified: July 25, 2011 v.2.2

[| HOME](#) [| INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| CONTACT US](#) [| PRIVACY STATEMENT](#)

Exhibit B

United States of America

United States Patent and Trademark Office

////// **POZEN**

Reg. No. 3,945,953

Registered Apr. 12, 2011

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

POZEN INC. (NORTH CAROLINA CORPORATION)
1414 RALEIGH ROAD
CHAPEL HILL, NC 27517

FOR: RESEARCH AND DEVELOPMENT OF NEW PRODUCTS; RESEARCH AND DEVELOPMENT OF PHARMACEUTICAL PREPARATIONS AND MEDICINES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-0-2009; IN COMMERCE 11-0-2009.

OWNER OF U.S. REG. NO. 2,361,512.

THE MARK CONSISTS OF THE STYLIZED WORD "POZEN", PRECEDED BY A SERIES OF SUBSTANTIALLY VERTICAL LINES OF VARYING THICKNESS.

SN 77-981,045, FILED 11-13-2009.

JAMES MACFARLANE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-11-22 16:15:34 ET

Serial Number: 77981045 Assignment Information Trademark Document Retrieval

Registration Number: 3945953

Mark



(words only): POZEN

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-04-12

Filing Date: 2009-11-13

Transformed into a National Application: No

Registration Date: 2011-04-12

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-03-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. POZEN Inc.

Address:

POZEN Inc.

1414 Raleigh Road

Chapel Hill, NC 27517

United States

Legal Entity Type: Corporation

State or Country of Incorporation: North Carolina

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

Research and development of new products; Research and development of pharmaceutical preparations and medicines

Basis: 1(a)

First Use Date: 2009-11-00

First Use in Commerce Date: 2009-11-00

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the stylized word "POZEN", preceded by a series of substantially vertical lines of varying thickness.

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Prior Registration Number(s):

2361512

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0019642

International Registration Number: 1040596

International Registration Date: 2010-04-28

Original Filing Date with USPTO: 2010-04-28

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2010-06-24

International Registration Renewal Date: 2020-04-28

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

09-06-2011 - 10:51:08 - Ceasing Of Effect Reviewed - No Action Required By Office

07-13-2011 - 08:00:56 - Partial Ceasing Of Effect To Be Processed

03-19-2011 - 07:55:27 - Division Of Base Application Processed By IB

01-13-2011 - 21:05:09 - Divisional Of Base App Notice Sent To IB

01-13-2011 - 04:08:15 - Divisional Of Base App Notice Created, To Be Sent To IB

06-25-2010 - 15:34:07 - Application For IR Registered By IB

04-29-2010 - 21:03:08 - IR Certified And Sent To IB

04-29-2010 - 13:23:59 - Manually Certified

04-28-2010 - 12:12:01 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-12 - Registered - Principal Register

2011-03-08 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-03-07 - Law Office Registration Review Completed

2011-03-07 - Assigned To LIE

2011-02-09 - Allowed for Registration - Principal Register (SOU accepted)

2011-01-13 - Notice Of Design Search Code Mailed

2011-01-12 - Statement Of Use Processing Complete

2010-12-08 - Use Amendment Filed

2011-01-12 - Divisional processing completed

2010-12-08 - Divisional request received

2011-01-11 - Case Assigned To Intent To Use Paralegal

2010-12-08 - TEAS Request To Divide Received

2010-12-08 - TEAS Statement of Use Received

2010-06-15 - NOA E-Mailed - SOU Required From Applicant

2010-04-20 - Notice Of Actual Publication E-Mailed

2010-04-20 - Published for opposition

2010-03-15 - Law Office Publication Review Completed

2010-03-15 - Assigned To LIE

2010-02-23 - Approved For Pub - Principal Register

2010-02-23 - Examiner's Amendment Entered

2010-02-23 - Notification Of Examiners Amendment E-Mailed

2010-02-23 - Examiners amendment e-mailed

2010-02-23 - Examiners Amendment - Written

2010-02-19 - Assigned To Examiner

2009-11-20 - Notice Of Design Search Code Mailed

2009-11-19 - New Application Office Supplied Data Entered In Tram

2009-11-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

John E. Lyhus

Correspondent

JOHN E. LYHUS

FITCH, EVEN, TABIN & FLANNERY

120 S LASALLE ST STE 1600

CHICAGO, IL 60603-3590

Phone Number: 312 577-7000

Fax Number: 312 577-7007



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77981045

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2
Web interface last modified: July 25, 2011 v.2.2

| [HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Exhibit C

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-11-22 16:18:55 ET

Serial Number: 77872440 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

POZEN

(words only): POZEN

Standard Character claim: Yes

Current Status: A first request for extension of time to file a Statement of Use has been granted.

Date of Status: 2011-05-11

Filing Date: 2009-11-13

The Notice of Allowance Date is: 2010-12-21

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 104

Attorney Assigned:
MACFARLANE JAMES W

Current Location: 700 -Intent To Use Section

Date In Location: 2011-06-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. POZEN Inc.

Address:
POZEN Inc.
1414 Raleigh Road

Chapel Hill, NC 27517

United States

Legal Entity Type: Corporation

State or Country of Incorporation: North Carolina

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

Pharmaceutical preparations and substances for the prevention and treatment of pain, inflammation, migraine and infectious diseases; Pharmaceutical preparations and substances for the prevention and treatment of oncological, musculoskeletal, cardiovascular, gastrointestinal, neurological, respiratory and immunologic system related diseases and disorders

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 042

Class Status: Active

Research and development of new products; Research and development of pharmaceutical preparations and medicines

Basis: 1(a)

First Use Date: 1997-02-14

First Use in Commerce Date: 1997-06-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

2361512

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0019639

International Registration Number: 1054582

International Registration Date: 2010-04-28

Original Filing Date with USPTO: 2010-04-28

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2010-11-11

International Registration Renewal Date: 2020-04-28

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

11-11-2010 - 22:00:22 - Application For IR Registered By IB

04-28-2010 - 21:00:50 - IR Certified And Sent To IB

04-28-2010 - 11:06:52 - Automatically Certified

04-28-2010 - 11:06:52 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-06-29 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-06-20 - PAPER RECEIVED

2011-05-12 - Notice Of Approval Of Extension Request E-Mailed

2011-05-11 - Extension 1 granted

2011-05-06 - Extension 1 filed

2011-05-10 - Case Assigned To Intent To Use Paralegal

2011-05-06 - TEAS Extension Received

2010-12-21 - NOA E-Mailed - SOU Required From Applicant

2010-10-26 - Notice Of Actual Publication E-Mailed

2010-10-26 - Published for opposition

2010-09-20 - Law Office Publication Review Completed

2010-09-20 - Assigned To LIE

2010-09-12 - Approved For Pub - Principal Register

2010-08-24 - Teas/Email Correspondence Entered

2010-08-24 - Communication received from applicant

2010-08-24 - TEAS Response to Office Action Received

2010-02-25 - Notification Of Non-Final Action E-Mailed

2010-02-25 - NON-FINAL ACTION E-MAILED

2010-02-25 - Non-Final Action Written

2010-02-24 - Previous Allowance Count Withdrawn

2010-02-23 - Approved For Pub - Principal Register

2010-02-23 - Examiner's Amendment Entered

2010-02-23 - Notification Of Examiners Amendment E-Mailed

2010-02-23 - Examiners amendment e-mailed

2010-02-23 - Examiners Amendment -Written

2010-02-19 - Assigned To Examiner

2009-11-19 - New Application Office Supplied Data Entered In Tram

2009-11-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

John E. Lyhus

Correspondent

JOHN E. LYHUS

FITCH, EVEN, TABIN & FLANNERY

120 S LASALLE ST STE 1600

CHICAGO, IL 60603-3590

Phone Number: 312 577-7000

Fax Number: 312 577-7007



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77872440

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2
Web interface last modified: July 25, 2011 v.2.2

[| HOME](#) [| INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| CONTACT US](#) [| PRIVACY STATEMENT](#)

Exhibit D

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-11-22 16:20:36 ET

Serial Number: 77872462 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): POZEN

Standard Character claim: No

Current Status: A second request for extension of time to file a Statement of Use has been granted.

Date of Status: 2011-04-25

Filing Date: 2009-11-13

The Notice of Allowance Date is: 2010-06-15

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 104

Attorney Assigned:
MACFARLANE JAMES W

Current Location: 710 -Divisional Unit

Date In Location: 2011-01-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. POZEN Inc.

Address:
POZEN Inc.
1414 Raleigh Road

Chapel Hill, NC 27517

United States

Legal Entity Type: Corporation

State or Country of Incorporation: North Carolina

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

Pharmaceutical preparations and substances for the prevention and treatment of pain, inflammation, migraine and infectious diseases; Pharmaceutical preparations and substances for the prevention and treatment of oncological, musculoskeletal, cardiovascular, gastrointestinal, neurological, respiratory and immunologic system related diseases and disorders

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the stylized word "POZEN," preceded by a series of substantially vertical lines of varying thickness.

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Prior Registration Number(s):

2361512

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0019642

International Registration Number: 1040596

International Registration Date: 2010-04-28

Original Filing Date with USPTO: 2010-04-28

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2010-06-24

International Registration Renewal Date: 2020-04-28

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

09-06-2011 - 10:51:08 - Ceasing Of Effect Reviewed - No Action Required By Office

07-13-2011 - 08:00:56 - Partial Ceasing Of Effect To Be Processed

03-19-2011 - 07:55:27 - Division Of Base Application Processed By IB

01-13-2011 - 21:05:09 - Divisional Of Base App Notice Sent To IB

01-13-2011 - 04:08:15 - Divisional Of Base App Notice Created, To Be Sent To IB

06-25-2010 - 15:34:07 - Application For IR Registered By IB

04-29-2010 - 21:03:08 - IR Certified And Sent To IB

04-29-2010 - 13:23:59 - Manually Certified

04-28-2010 - 12:12:01 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-26 - Notice Of Approval Of Extension Request E-Mailed

2011-04-25 - Extension 2 granted

2011-04-20 - Extension 2 filed

2011-04-20 - TEAS Extension Received

2011-01-13 - Notice Of Approval Of Extension Request E-Mailed

2011-01-13 - Corrected Noa E-Mailed

2011-01-12 - Extension 1 granted

2010-12-08 - Extension 1 filed

2011-01-12 - Divisional processing completed

2010-12-08 - Divisional request received

2011-01-11 - Case Assigned To Intent To Use Paralegal

2010-12-08 - TEAS Request To Divide Received

2010-12-08 - TEAS Extension Received

2010-06-15 - NOA E-Mailed - SOU Required From Applicant

2010-04-20 - Notice Of Actual Publication E-Mailed

2010-04-20 - Published for opposition

2010-03-15 - Law Office Publication Review Completed

2010-03-15 - Assigned To LIE

2010-02-23 - Approved For Pub - Principal Register

2010-02-23 - Examiner's Amendment Entered

2010-02-23 - Notification Of Examiners Amendment E-Mailed

2010-02-23 - Examiners amendment e-mailed

2010-02-23 - Examiners Amendment - Written

Latest Status Info

2010-02-19 - Assigned To Examiner

2009-11-20 - Notice Of Design Search Code Mailed

2009-11-19 - New Application Office Supplied Data Entered In Tram

2009-11-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

John E. Lyhus

Correspondent

JOHN E. LYHUS

FITCH, EVEN, TABIN & FLANNERY

120 S LASALLE ST STE 1600

CHICAGO, IL 60603-3590

Phone Number: 312 577-7000

Fax Number: 312 577-7007



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77872462

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2
Web interface last modified: July 25, 2011 v.2.2

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)